

AMENDED IN ASSEMBLY JULY 8, 2009

SENATE BILL

No. 91

**Introduced by Senators Correa and Alquist
(Coauthors: Senators Cedillo, DeSaulnier, Maldonado, and
Oropeza)**

(Coauthors: Assembly Members Duvall and Hernandez Duvall, Harkey,
Hernandez, and Nielsen)

January 20, 2009

An act to amend Section 18724 of the Revenue and Taxation Code,
relating to taxpayer contributions.

LEGISLATIVE COUNSEL'S DIGEST

SB 91, as amended, Correa. Income taxes: designated contributions:
senior citizens.

~~Under the Personal Income Tax Law, taxpayers are allowed~~

*Existing law allows taxpayers, until January 1, 2010, to contribute
amounts in excess of their personal income tax liability for the support
of the California Fund for Senior Citizens. Existing law provides for
the repeal of repeals the contribution provisions for these funds either
on the September 1 following the calendar year for which the Franchise
Tax Board estimates that the minimum contribution amount will be less
than a prescribed amount or on January 1, 2010, whichever occurs first.*

This bill would, under this latter limit, extend the operation of those
contribution provisions until January 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18724 of the Revenue and Taxation Code
2 is amended to read:

3 18724. (a) This article shall remain in effect only until January
4 1, 2015, and as of that date is repealed, unless a later enacted
5 statute, which is enacted before January 1, 2015, deletes that date.

6 (b) (1) By September 1, 2006, and by September 1 of each
7 subsequent calendar year that the California Fund for Senior
8 Citizens appears on a tax return, the Franchise Tax Board shall
9 determine whether the amount of contributions estimated to be
10 received during the calendar year will equal or exceed two hundred
11 fifty thousand dollars (\$250,000). The Franchise Tax Board shall
12 estimate the amount of contributions to be received by using the
13 actual amounts received and an estimate of the contributions that
14 will be received by the end of that calendar year.

15 (2) The Franchise Tax Board shall provide written notification
16 to the California Senior Legislature of the amount determined
17 pursuant to paragraph (1).

18 (3) If the Franchise Tax Board determines the amount of
19 contributions estimated to be received during a calendar year will
20 not at least equal the minimum contribution amount for the calendar
21 year, this article is repealed ~~with respect to~~ *for* taxable years
22 beginning on or after January 1 of that calendar year.

23 (4) For purposes of this section, the minimum contribution
24 amount for a calendar year means two hundred fifty thousand
25 dollars (\$250,000).

26 (c) Notwithstanding the repeal of this article, any contribution
27 amounts designated pursuant to this article prior to its repeal shall
28 continue to be transferred and disbursed in accordance with this
29 article as in effect immediately prior to that repeal.